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July 18, 2023

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VIA ELECTRONIC FILING

## MEMO ENDORSED

Hon. Victoria Reznick U.S.M.J.  
United States District Court  
Southern District of New York  
300 Quarropas Street,  
White Plains, NY 10601

**Re: *John Snellinger v. Bayview Loan Servicing, LLC; et al.***  
***Civil Action No. 19-CV-06574-NSR-VR***  
***Parties' Joint Status Letter***

Dear Judge Reznick,

We write to provide the Court with status of this matter. Presently, Plaintiff's motion for reconsideration of the Court's denial of his motion to file a third amended complaint [ECF Doc. Nos. 141-143] is before the Court for a decision.

Discovery continues with three non-party depositions of Sgt. Patrick Marcial of the Wallkill Town Police ("TOWPD")<sup>1</sup>, Ramchand Deioki and Sandhya Deoki which remain, due in part because of non-compliance with subpoenas for testimony and documents. Defendants therefore anticipate motion practice to compel the Deiokis deposition, and the production of documents from the Town of Wallkill. An independent medical examination of Plaintiff was completed on June 8, 2023. The parties have agreed to Plaintiff's deposition on August 22, 2023 at Defendants' counsel's NYC office.

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<sup>1</sup> We were informed by counsel for the TOW that Sgt. Marcial is recovering from a medical emergency and is off duty and that he would be made available for deposition when he returns to active duty. Sgt. Marcial's testimony is relevant because he was the only supervising officer to attend to Plaintiff at the time Plaintiff allegedly sustained his injuries; Sgt. Marcial's testimony will also be directed toward the policies and procedures of the TOWPD in August 2017.

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As a result, the Parties respectfully request that the Court extend fact discovery to October 1, 2023.

Respectfully,

/s/ Robert H. King

Robert H. King  
Brendan I. Herbert (*admitted pro hac vice*)  
*For Defendants*

/s/ Evan M. Foulke

Evan M. Foulke, Esq.  
John A. Stark (*admitted pro hac vice*)  
*For Plaintiff*

The court is scheduling a telephonic status conference for Thursday, July 27, 2023, at 10:30 am. Scheduling order to follow.

The parties' request to extend the fact discovery deadline will be addressed at this status conference.

In the interim, the parties are to proceed with depositions as scheduled.

Dated:  
July 19, 2023

SO ORDERED.

Hon. Victoria Reznik, U.S.M.J.

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